UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,143	09/11/2003	Steven W. Githens	ROC920030276US1	4972

46797 7590 12/07/2007 IBM CORPORATION, INTELLECTUAL PROPERTY LAW DEPT 917, BLDG. 006-1 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829	**EXAMINER** NUNEZ, JORDANY

ART UNIT	PAPER NUMBER
2179	

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12/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>26 November 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

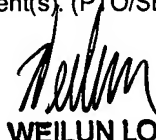   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: <u>none</u>.

   Claim(s) objected to: <u>none</u>.

   Claim(s) rejected: <u>1-4,7-25 and 28-47</u>.

   Claim(s) withdrawn from consideration: <u>none</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

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SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments have been fully considered but are not persuasive. Examiner reiterates that references to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention. Applicant argues that:

1) The Examiner analogizes "the raw data being analyzed as the abstract data structure, and the implementation of the visualization... as the concrete data structure." Further, the Examiner analogizes "'actions' as the transformation rules." However, the Examiner's analogy fails to explain how this citation discloses "each and every element" of the claim. For example, the Examiner's citation fails to explain: (a) how "actions," which are described in Cox as options selected from a list, can represent subsets of transformation rules. Further, even if it is assumed, arguendo, that selectable actions teach the limitation of subsets of transformation rules, Cox does not teach that (b) each of the "actions" describe graphical attributes of a requested graphical representation type and are specific to a different graphics rendering language, as well as (c) supporting a plurality of graphical representation type and are specific to a different graphics rendering language, as well as supporting a plurality of graphical representation types and a plurality of graphics rendering languages, as recited in claim 1 (page 17, las paragraph).
Examiner disagrees.
Applicant misunderstands Examiner's position. The claim language reads "retrieving and providing transformation rules for [...]" [emphasis added]. As such, Examiner does not read the limitations argued by Applicant as an intrinsic part of the transformation rules, and instead the limitations are interpreted as the intended use of the transformation rules. Further, even if the limitations argued were an intrinsic part of the transformation rules, one of ordinary skill in the art would readily see: (a) each action is a subset of a plurality of transformation rules (e.g., a view parameter may be changed, so that data displayed as a bar graph may be displayed as a pie chart); (b) each action describes a graphical attribute of a requested graphical representation type (e.g., again, a view parameter may be changed, so that data displayed as a bar graph may be displayed as a pie chart) and are specific to a different graphics rendering language (e.g., the rendering language for a pie chart action is different from the rendering language from a bar chart); finally (c), the actions (i.e., plurality of transformation rules) support a plurality of graphical representation types (e.g., view types) and a plurality of graphics rendering languages (e.g., the code language used to represent the views).

2) Cox does not disclose the limitation of claim 19 which recites "transforming the abstract data structure into a plurality of concrete data structures, each concrete data structure corresponding to a different graphics rendering language". Cox also does not disclose the limitation, as recited in claim 19, of "abstract data structure templates, each ... associated with a specific graphical representation type". Claims 20, 32, 40, 41, 44, and 45 recite similar limitations (page 18, last paragraph).
Examiner disagrees.
One of ordinary skill in the art would readily see that when a user performs a view change action, an action to select a subset of data for viewing, or an action to select specific data for display, as clearly taught by Cox (page 5, paragraph [0044], lines 12-23), a user is transforming the abstract data (e.g., subset of data or specific data) structure into a plurality of concrete data structures (e.g., views chosen), each concrete data structure corresponding to a different graphics rendering language (e.g., the code language used to represent the views).